IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

RP.No. 11 of 2006(F)

AGAINST THE JUDGEMENT/ORDER IN OP.37860/2001
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REVIEW PETITIONER:

P.KAMALAKSHAN, IIIRD GRADE OVERSEER,
KERALA WATER AUTHORITY, NAVEL ACADEMY SECTION,
PAYYANNUR, KANNUR DIST.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

1.STATE OF KERALA, REP. BY CHIEF SECRETARY TO
GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2.THE DISTRICT REGISTRAR OF KANNUR AT THALASSERY,
P.O.THALASSERY, KANNUR DIST.

3.THE SUB REGISTRAR,
OFFICE OF THE SUB REGISTRAR,
PAYYANNUR, KANNUR DIST.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

KURIAN JOSEPH J.

Review Petition No.11 of 2006
in
O.P.37860 of 2001

Dated 19th October, 2007.

O R D E R

This is a petition to review the judgment dated 21.10.2005 in O.P.No.37860/01. The issue pertains to the liability of the petitioner to pay stamp duty for mortgage. In the absence of a counter affidavit, the writ petition was disposed of in terms of the interim order in C.M.P.No.62060/01. Learned Government Pleader submits that a counter affidavit had already been filed, a copy of which is made available for perusal. In view of the contentions taken in the counter affidavit, it appears, the Original Petition has to be considered on merits, adverting to the contentions taken by the parties. Therefore, the Review Petition is allowed and the judgment dated 21.10.2005 in O.P.37860/01 is recalled. Post the Original Petition for hearing.

KURIAN JOSEPH, JUDGE.

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